

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF REX L.) APPEAL NO. 07-A-2584
CHAPMAN from the decision of the Board of) FINAL DECISION
Equalization of Valley County for tax year 2007.) AND ORDER

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing December 13, 2007, in Cascade, before Presiding Officer Steve Wallace. Board Members Lyle R. Cobbs, Linda S. Pike and David E. Kinghorn participated in this decision. Appellant Rex L. Chapman appeared. Assessor Karen Campbell, Chief Deputy Assessor Deedee Gossi and County Appraiser June Fullmer appeared for Respondent Valley County. This appeal is taken from a decision of the Valley County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel No. RPC0033039000AA.

The issue on appeal is the market value of a residential property.

The decision of the Valley County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$138,420, and the improvements' valuation is \$88,340, totaling \$226,760. Appellant requests the land value be reduced to \$82,730, and the improvements' value be reduced to \$55,580, totaling \$138,310.

The subject property is a 1,084 square foot residence located on 1.19 acres in Cascade, Idaho.

Appellant stated the assessment increase was substantial and caused an increase in taxes of \$333.10 per year. The taxpayer expressed that subject's assessed value jumped from \$93,520 in 2005, to \$226,760 in 2007 and there should be a limit on the increase.

Respondent stated the last reappraisal was done in 2005, Idaho law requires all property

be assessed at market value each year, and market value is based on the average sale price. In 2007 the State Tax Commission mandated a 30% trend for the area for improvements.

Respondent submitted four 2006 improved property sales in subject's area to support subject's 2007 assessment. The prices ranged from \$155,000 to \$215,000.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho Code Section 63-208. Rules pertaining to market value – Duty of Assessor. Rules promulgated by the State Tax Commission shall require each assessor to find market value for assessment purposes.

Idaho Code Section 63-201(10) defines market value:

“Market Value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

The State Tax Commission mandated the County apply a 30% increase in value due to low assessment levels. Four (4) sales were submitted to support subject's current assessment.

In determining market value for tax assessments Idaho Code § 63-205(1) states:

All real, personal and operating property subject to property taxation must be assessed annually at market value for assessment purposes as of 12:01 a.m. of the first day in the year in which such property taxes are levied, except as otherwise provided.

Respondent's sales were timely and provided a reasonable basis for determining subject's

value. Appellant presented no other sales information.

Idaho Code Section 63-511(4). Appeals from county board of equalization.

In any appeal taken to the board of tax appeals or the district court pursuant to this section, the burden of proof shall fall upon the party seeking affirmative relief to establish that the valuation from which the appeal is taken is erroneous, or that the board of equalization erred in its decision regarding a claim that certain property is exempt from taxation, the value thereof, or any other relief sought before the board of equalization. *A preponderance of the evidence shall suffice to sustain the burden of proof.* The burden of proof shall fall upon the party seeking affirmative relief and the burden of going forward with the evidence shall shift as in other civil litigation. The board of tax appeals or the district court shall render its decision in writing, including therein a concise statement of the facts found by the court and the conclusions of law reached by the court. The board of tax appeals or the court may affirm, reverse, modify or remand any order of the board of equalization, and shall grant other relief, invoke such other remedies, and issue such orders in accordance with its decision, as appropriate. *(Emphasis added.)*

Although the Board empathizes with Appellant, evidence has not been presented to support a reduction, or show that error exists in the current assessment. Therefore, this Board finds for Valley County and will affirm the decision of the Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Valley County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED FEBRUARY 1, 2008